IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43249 of 2017

Arising Out of PS.Case No. -100 Year- 2017 Thana -HARSIDHI District-EASTCHAMPARAN(MOTIHARI)

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Sanjay Kumar Yadav son of Yogendra Prasad Yadav, Resident of Village-Mathlohiyar Ahir Tola, P.S.- Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-11-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Sessions Trial No. 1247/2017 arising out of Harsidhi P.S. Case No. 100/2017, G.R. 1331/2017, for offences alleged under Sections 304B and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that his sister Kiran Devi was married to the petitioner in the year 2013 and had two children. She was always tortured by her husband and in-laws for demand of dowry and ultimately Kerosene Oil was sprinkled on his sister and her 7 to 8 month old daughter and both died while being treated in the hospital.

It has been submitted by the learned counsel for

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petitioner that he is innocent and just because he is the husband of the deceased he has been made accused in the present case. He submits that independent witnesses have not supported the prosecution story. They have stated that the room where the burnt body of the petitioner's wife and child was found was bolted from inside and the door was opened by them. He submits that after his wife was burnt she along with her child was taken to the hospital. Charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and material on record, let the petitioner named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Motihari, East Champaran, in connection with Sessions Trial No. 1247/2017 arising out of Harsidhi P.S. Case No. 100/2017, G.R. 1331/2017, subject to the condition that both bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/court, who will file an affidavit stating his relationship with the petitioner and that the

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petitioner will appear before the police/court as and when required and failure to appear on two consecutive dates without assigning any reason will entail the cancellation of his bail bonds.

(Nilu Agrawal, J)

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